

T5003 NEIBAUER

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5003
WATER RIGHT NO. 22-02042B

This is to certify that: **RANDY NEIBAUER**
PHIL NEIBAUER
PO BOX 235
NEWDALE ID 83436

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	*1.50 CFS	193.9 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
WRIGHT CREEK	CANYON CREEK

Priority: 02/11/1909

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 31, Township 06N, Range 43E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	43E	31	Lot 1(NWNW) 18	Lot 2(SWNW) 17.5	Lot 3(NWSW) 19.9	55.4
Total number of acres irrigated:						55.4

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

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WATER RIGHT NO. 22-02042B

CONDITIONS OF APPROVAL AND REMARKS

6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- *8. Right No. 22-02042B shall not exceed a diversion rate of 0.02 cfs per acre at the field headgate, an annual diversion volume of 193.9 af, nor the irrigation of 55.4 acres.
- *9. 0.39 cfs of Right No. 22-02042B is the portion of the right used for conveyance purposes.

Dated this 19th day of August, 1997.

J. Glen Saylor
Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE NO. 22-02042

FROM: PAM SKAGGS²⁹ STATE OFFICE

SUBJECT: TRANSFER NO. 5003

DATE: August 19, 1997 *OK*

=====

Transfer No. 5003 changes the point of diversion under the irrigation portion of Right No. 22-02042, splitting the right into parts A and B. The transfer reflects a change of ownership for the irrigation portion of the right and conversion to a gravity flow system.

Season of use was adjusted to current department standards. Recommended conditions include measuring device, watermaster control (Water District No. 01), irrigation overlap, right-of-way, limits, conveyance portion and standard transfer conditions.

Transfer No. 5003

COPY

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Reflect Ownership Split
2. Describe the reason for the proposed changes Applicant wishes to convert to gravity flow irrigation system. This application also serves to split right per new ownership.

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
22-02042 B	2/11/1909	1.50 cfs	Irrigation	4-15 to 10-15
				to
				to
				to
				to
2. Total amount of water being transferred		1.50 cfs	cubic feet per second and/or 193.90 acre-feet per annum	
3. Source of water		Wright Creek	tributary to Canyon Creek	
4. Point(s) of Diversion:				

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1

1

6. General Information:

a. Description of diversion system Head works with gravity flow pipeline to place of use for
irrigation of cropland.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
N/A

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 22-02042

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	1.50 CFS	193.9 AF
COMMERCIAL	01/01 to 12/31	0.08 CFS	13.3 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
Totals		1.58 CFS	208.4 AF

SOURCEWRIGHTS CREEK
SPRINGTRIBUTARY OFCANYON CREEK CANAL
WRIGHTS CREEK

Priority: 02/11/1909

LOCATION OF POINT(S) OF DIVERSION:NENW , Sec. 31, Township 06N, Range 43E
SENW , Sec. 31, Township 06N, Range 43E
MADISON CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	43E	31	Lot 1 (NWNW) 18	Lot 2 (SWNW) 17.5	Lot 3 (NWSW) 19.9	55.4
Total number of acres irrigated:						55.4

PLACE OF USE: COMMERCIAL

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
06N	43E	31

NENW

PLACE OF USE: DOMESTIC, same as COMMERCIAL useCONDITIONS/REMARKS:

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
3. The maximum rate of diversion and maximum annual volume for commercial use under this right shall not exceed 0.08 cfs and 13.13.3 af, respectively.
4. The maximum annual volume of water under this right for irrigation use shall not exceed 193.9 af.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years¹ of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.50 cfs for Irrigation purposes from 4-1 to 11-1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	31	6N	43E	Madison	Wright Creek

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6N	43E	31						18	17.5			19.9							55.4
								L1	L2			L3							

Total acres 55.4

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.08 cfs for Commerical purposes from 1-1 to 12-31
 (cfs/ac-ft)
 amount 0.04 cfs for Domestic purposes from 1-1 to 12-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	NW	31	6N	43E	Madison	Spring

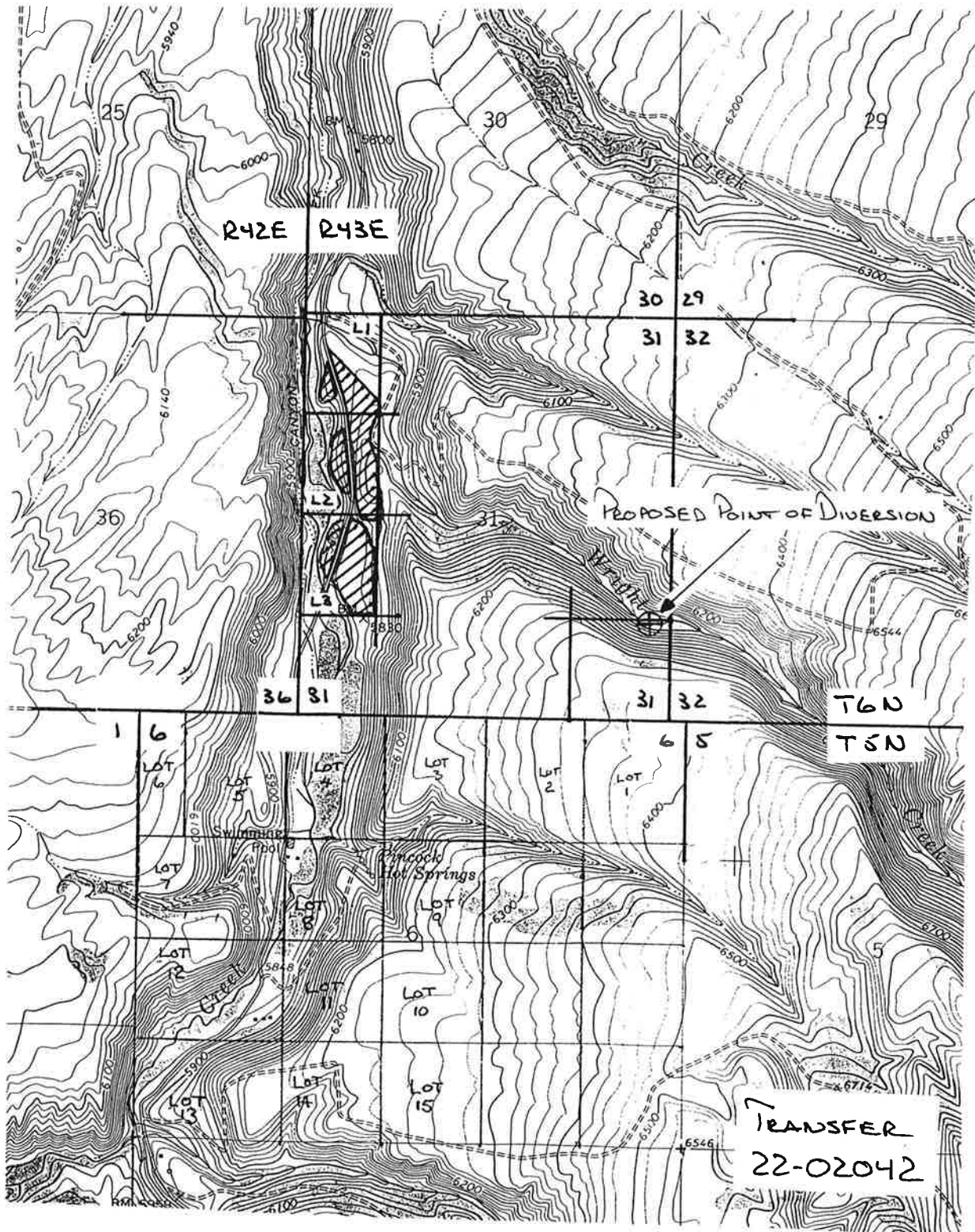
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6N	43E	31					C/D												

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Randy Nelson

 (Signature of Applicant)

Subscribed and sworn to before me this 2 day of January, 19 97

Lorna Bain

 (Notary Public)

My commission expires 2-16-2001

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 5 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Received by ANC EC22874 Date 10 JAN 97

Published in Lexburg Standard Journal Copies of protest forwarded by _____

Pub. dates February 20 & 27, 1997 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____